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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,253	10/27/2003	YiRen Hong	1229.006	4327
37421	7590	07/27/2005	EXAMINER	
WAX LAW GROUP 2118 WILSHIRE BOULEVARD, SUITE 407 SANTA MONICA, CA 90403			COMAS, YAHVEH	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 07/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

6m

Office Action Summary	Application No. 10/695,253	Applicant(s) HONG ET AL.	
	Examiner Yahveh Comas	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4,6-9,11,12,14-17 and 19-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6-9,11,12,14-17 and 19-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1,3,4,6-9,11,12,14-17 and 19-22 have been considered but are moot in view of the new ground of rejection.

Claim Objections

Claim 20 and 21 are objected to because of the following informalities:

- Claims 6 and 8 depend of claim 2 which was cancel
- Claims 14 and 16 depend of claim 10 which was cancel
- Claims 20 and 21 depend of claim 18, which was cancel.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to

Art Unit: 2834

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1, 3-4, 6-9, 11-12, 14-17 and 19 -23 rejected under 35 U.S.C. 103(a) as being unpatentable over Dunfield et al. U.S. Patent No. 5,694,268 in view of Fuji et al U.S. Patent No. 5,426,548 and in further view of Papst U.S. Patent No. 5,877,916.

Dunfield discloses an spindle motor comprising a rotatable component defining a bearing gap and relatively rotatable with a stationary component, a base plate (418) affixed to the stationary component, a data storage disk attached to the rotatable component, a stator (416), affixed to the stationary component, for generating an electromagnetic force that interacts with the rotatable component and drives the rotatable, wherein the stator (416) and the base plate (418) define a separation there between, and a bonding substance (428), formed substantially about the stator (416), substantially filling the separation and uniting the base plate (418) (see fig. 22). Dunfield disclose the claimed invention except for the spindle motor having a motor seal and wherein the base plate axial thickness is minimized adjacent the separation.

Regarding the motor seal, Papst discloses the use of a motor seal (144) in order to retard the transfer of contaminants into the clean room chamber (see fig. 10).

Regarding the base having an axial thickness minimized adjacent the separation, Fuji disclose a base (10) having an axial thickness (20) minimized in order to minimize the axial thickness of the whole apparatus (column 5 lines 45-50).

Therefore it would have been obvious to one having skill in the art at the time the invention was made to provide a motor seal and a base plate having an axial thickness minimize since that would had been desirable in order to retard the transfer of contaminants into the clean room chamber as disclosed by Papst and to minimize the axial thickness of the whole apparatus as disclosed by Fuji.

Regarding claims 3-4, 11-12 and 19, Dunfield in view of Fuji and Papst discloses the claimed invention except for the bonding substance being a thermally conductive epoxy comprising one of TC-2707 and DP-190. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a thermally conductive epoxy comprising one of TC-2707 or DP-190, since it has been held to be within the general skill of the worker in the art to select a know material on the basis of its suitability for intended use as matter of obvious design choice. *In re Leshin*, 125 USPQ 416.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2834

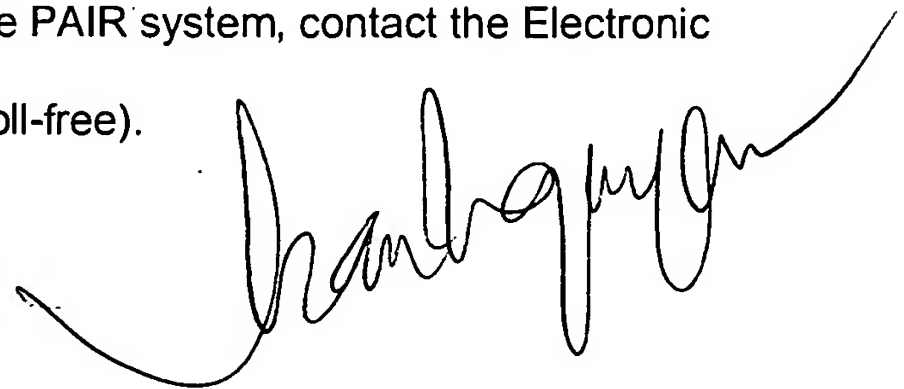
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yahveh Comas whose telephone number is (571) 272-2020. The examiner can normally be reached on 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YC

A handwritten signature in black ink, appearing to read 'Tran Nguyen', with a long, sweeping horizontal line extending to the left.

TRAN NGUYEN
PRIMARY EXAMINER